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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,998

12/21/2004

Scott Allan Kendall

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6965

24498 7590 12/28/2009  
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EXAMINER

BAIG, SAHAR A

ART UNIT

PAPER NUMBER

2424

MAIL DATE

DELIVERY MODE

12/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/518,998	<b>Applicant(s)</b> KENDALL, SCOTT ALLAN	
	<b>Examiner</b> SAHAR A. BAIG	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/24/2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman (US Patent Publication No. 2003/0093789) in view of Vanderable (U.S. Patent No. 6,204,761).

Regarding Claim 1, 11, and 21, Zimmerman television signal receiver having an emergency alert function, comprising: a tuner operative to tune a frequency

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including emergency alert signals indicating an emergency event[0011]; a memory operative to store information associated with the emergency alert function [0035], said memory further operative to receive updated information associated with the emergency alert signals included on a tuned frequency by said emergency alert function [0036] and replace said stored information associated with the emergency alert function with said updated information retrieved via said network connection [0064].

Zimmerman fails to disclose a processor operative to automatically enable a network connection, responsive to said emergency alert signals, to a source of information related to the emergency alert function and retrieve updated information related to the emergency alert signals included on a tuned frequency by said emergency alert function. In an analogous art, Vanderable discloses a processor operative to automatically enable a network connection, responsive to said emergency alert signals, to a source of information related to the emergency alert function and retrieve updated information related to the emergency alert signals included on a tuned frequency by said emergency alert function [**Col. 2 lines 49-62 & Col. 3 lines 55-60**]. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Zimmerman and Vanderable to provide up to date emergency geographic specific information for civilian safety.

Regarding Claim 2, 12, 22, Zimmerman discloses that the updated information comprises geographical area information **[0005 Zimmerman's apparatus sends emergency broadcast alerts regarding the affected geographical area]**.

Regarding Claim 3, 13, and 23, Zimmerman discloses the geographical area information comprises location code. **[Figure 1 Memory 170 has an Emergency Code unit 180 that stores location codes]** Although it is not clearly shown to be FIPS, it would have been obvious to ordinary skill in the art to include the six-digit Federal Information Processing System (FIPS) since it is an industry standard and not using it would be more costly and not reach as many households.

Regarding Claim 4, 14, and 24, Zimmerman discloses that the updated information in the television signal receiver comprises transmission frequency information **[0069 Tuner 310 down converts select frequency channels of the received broadcast content stream to video, audio and other signals that are processed in standby mode circuitry 316 and monitored by content monitoring system 200]**.

Regarding Claim 5, 15, and 25, Zimmerman discloses that the updated information is provided via a website **[0069 Antenna 305 receives broadcast content streams from television broadcast stations, radio broadcast stations, Internet Websites, and the like]**.

Regarding Claim 6, 7, 16, 17, 26, and 27, Zimmerman discloses in **Figure 2** a processor operative to automatically enable a connection to the website responsive to the emergency alert signals **[0046]**.

Regarding Claim 8, 18, and 28, Zimmerman discloses that the emergency alert signals include hyperlink data that enables access to the website **[0041** *select data retrieved over the Internet or the like, including, for instance, some metadata]*.

Regarding Claim 9, 19, and 29, although Zimmerman does not explicitly disclose the updated information being periodically updated, it would have been obvious to one of ordinary skill in the art to include this feature in the system since emergency broadcast have a calamitous need to be up to date for civilian safety.

Regarding Claim 10, 20, and 30, Zimmerman discloses that the updated information is used to setup the emergency alert function **[0019 & 0020]**.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAHAR A. BAIG whose telephone number is (571)270-3005. The examiner can normally be reached on Monday-Friday (8:00 - 4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/  
Supervisory Patent Examiner, Art  
Unit 2424

SB